

FIFTIETH DAY

(Monday, April 9, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Visk |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

Phillips

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 5, 1951, was dispensed with and the Journal approved.

Leaves of Absence

Senator Lane was granted leave of absence for today on account of illness on motion of Senator Hardeman.

Senator Bullock was granted leave of absence for today on account of important business on motion of Senator Strauss.

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Shofner.

Senator Corbin was granted leave of absence for today on account of important business on motion of Senator Wagonseller.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Martin.

Reports of Standing Committees

Senator Carter submitted the following report:

Austin, Texas,
April 4, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 400, have had same under consideration and are reporting it back to the Senate with the recommendation that it do pass and be not printed.

CARTER, Chairman.

Senator Bell submitted the following report:

Austin, Texas,
April 5, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred Senate Bill No. 366, have had same under consideration, and are reporting it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Senator Carney submitted the following reports:

Austin, Texas,
April 5, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 327, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CARNEY, Chairman.

Austin, Texas,
April 5, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 311, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CARNEY, Chairman.

Senator Wagonseller submitted the following report:

Austin, Texas,
April 9, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 711, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WAGONSELLER, Chairman.

Senator Carney submitted the following report:

Austin, Texas
April 9, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 308, have had same under consideration, and are reporting it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman

Senate Bill 407 on First Reading

Senator Vick moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

Phillips

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Vick:

S. B. No. 407, A bill to be entitled "An Act amending Article 2978 of the

Revised Civil Statutes of Texas, 1925, prescribing the requirements of the official ballot which shall be used in all elections by the people, and providing that the name of no person shall appear as a candidate for more than one office except as a candidate for two or more offices permitted by the Constitution to be held by the same person; repealing all laws or parts of laws in conflict with this Act to the extent of the conflict only; and declaring an emergency."

To Committee on Privileges and Elections.

Senate Bill 408 on First Reading

Senator Bell moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

Phillips

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bell:

S. B. No. 408, A bill to be entitled "An Act creating an additional District Court, with civil jurisdiction only, in and for De Witt, Goliad, Jackson, Refugio, Calhoun and Victoria Counties, to be known as the 135th District Court; adjusting the business of the 24th District Court to the business thereof; providing for the appointment of a District Judge

therefor; providing for a clerk; providing for the appointment of an official shorthand reporter and fixing his salary; fixing the terms of the 135th District Court created hereby; providing for the transfer of civil cases between said courts and for the exchange of benches; providing for the method of selecting qualified jurors in both said courts; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

To Committee on Judicial Districts.

Senate Bill 409 on First Reading

Senator Russell moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

| | |
|-------------------|-------------|
| Aikin | McDonald |
| Ashley | Moffett |
| Bell | Moore |
| Bracewell | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Kelley of Hidalgo | Tynan |
| Kelly of Tarrant | Vick |
| Lock | Wagonseller |
| Martin | |

Absent

Hudson

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Russell:

S. B. No. 409, A bill to be entitled "An Act making it unlawful to transport or remove minnows taken from the fresh waters of Collin and Rockwall Counties, including Lake Lavon, beyond the boundaries of said waters; prescribing penalties for violation of this Act; and declaring an emergency."

To Committee on Game and Fish.

Bills Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills:

H. B. No. 57, A bill to be entitled "An Act amending Article 5139 of the Revised Civil Statutes of Texas, 1925, as amended, providing for County Juvenile Boards in certain counties; providing for severability; providing that this Act shall be cumulative of existing law; and declaring an emergency."

H. B. No. 90, A bill to be entitled "An Act fixing the compensation for Justices of the Peace in certain counties; and declaring an emergency."

S. B. No. 99, A bill to be entitled "An Act to extend the time for payment of all notes or obligations executed by purchasers of School Land for the unpaid balance of principal due the State thereon which are due or will become due prior to November 1, 1961; amending Article 5326 of the Revised Civil Statutes of Texas, 1925, as amended by Section 3, Chapter 191, House Bill No. 56, Acts of the 47th Legislature, 1941; and declaring an emergency."

S. B. No. 118, A bill to be entitled "An Act providing for the approval and recording of requests and budgets of agencies of the State government in obtaining federal aid and grants; and declaring an emergency."

H. B. No. 195, A bill to be entitled "An Act creating an additional District Court, with civil jurisdiction only, in and for Hardin, Liberty, Tyler, and Chambers Counties, to be known as the 88th District Court; adjusting the business of the 75th District Court to the business thereof; providing for the appointment of a District Judge therefor; providing for a clerk; providing for the appointment of an official shorthand reporter and fixing his salary; fixing the terms of the 88th District Court created hereby; providing for the transfer of civil cases between said courts and for the exchange of benches; making an appropriation; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

S. B. No. 44, A bill to be entitled "An Act concerning the education of exceptional children, adding the education of mentally retarded children to the present program, amending Subsection (4) of Section 1 of Article III of Senate Bill 116, Acts 51st Legislature, Regular Session, 1949, Chapter 334; repealing Senate Bill 38, etc.; and declaring an emergency."

S. B. No. 141, A bill to be entitled "An Act creating 'North Texas Municipal Water District,' a Conservation District under Article XVI, Section 59, of the Constitution comprising the territory contained within the cities of Garland, Princeton, Plano, Mesquite, Wylie, Rockwall, Farmersville, McKinney and Forney, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; etc.; and declaring an emergency."

Bill Re-referred

On motion of Senator Hardeman, and by unanimous consent, H. B. No. 451 was withdrawn from the Committee on Towns and City Corporations and re-referred to the Committee on State Highways and Motor Traffic.

Senate Bill 153 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 153, A bill to be entitled "An Act amending Chapter 507, Section 2, page 819, Acts of the 47th Legislature of Texas, 1941, providing that a person who is convicted of driving a motor vehicle upon a public road or highway in this state or upon any street, or alley in any incorporated city, town, or village while under the influence of intoxicating liquor and who thereafter drives a motor vehicle upon such road, highway, street or alley while so intoxicated shall be guilty of a felony; fixing a penalty, and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend Senate Bill No. 153, printed copy, the second paragraph of Section 1, by striking the line that reads,

"in the county jail not to exceed one year, or by both such fine and", and inserting in lieu thereof the following, "in the county jail not less than ten days nor more than two years, or by both such fine and . . ."

The amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 153 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 153 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

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|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

Parkhouse

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

| | |
|------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelly of Tarrant | Vick |
| Lock | Wagonseller |

Absent

Kelley of Hidalgo Parkhouse

Absent—Excused

Bullock Lane
Corbin Weinert
Hazlewood

Senate Bill 171 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 171, A bill to be entitled "An Act providing for statement of facts in a criminal proceeding; providing the form of such statement; providing how such statement shall be prepared; providing when and where such statement shall be filed; providing in certain instances statement of facts may constitute bill of exception; repealing conflicting laws; containing a savings clause and declaring an emergency."

The bill was read second time.

Senator Carney offered the following amendment to the bill:

By striking out in Sec. C the following, "all matters not essential to the decision of the questions presented on appeal may be omitted."

The amendment was adopted.

Senator McDonald offered the following amendment to the bill:

Amend S. B. 171, Sec. D, by striking the word "promptly" and inserting the following: "within 15 days."

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 171 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 171 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

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|-------------------|-------------|
| Aikin | McDonald |
| Ashley | Moffett |
| Bell | Moore |
| Bracewell | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Lock | Wagonseller |
| Martin | |

Absent

Kelly of Tarrant

Absent—Excused

Bullock Lane
Corbin Weinert
Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

| | |
|-------------------|-------------|
| Aikin | McDonald |
| Ashley | Moffett |
| Bell | Moore |
| Bracewell | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Lock | Wagonseller |
| Martin | |

Absent

Kelly of Tarrant

Absent—Excused

Bullock Lane
Corbin Weinert
Hazlewood

Report of Conference Committee on House Joint Resolution 2

Senator Bell submitted the following report:

Austin, Texas,
April 8, 1951.

Hon. Ben Ramsey, President of the Senate.

Hon. Reuben Senterfitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. J. R. No. 2, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

BELL
WAGONSELLER
LANE
BRACEWELL
MOFFETT

On the part of the Senate.

YOUNG
YEZAK
KILGORE
ATWELL
PETERSON

On the part of the House.

H. J. R. No. 2, Proposing an amendment to Section 49-b, Article III, Constitution of Texas, so that the total amount of bonds or obligations that may be issued by the Veterans' Land Board is increased to One Hundred Million Dollars (\$100,000,000); providing for the issuance of said bonds and certain conditions relating thereto and the use of the Veterans' Land Fund; providing for an election and the issuance of a proclamation therefor.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 49-b, Article III, Constitution of Texas, be amended so that the same will hereafter read as follows:

"Section 49-b. There is hereby created a Board to be known as the Veterans' Land Board, which shall be composed of the Governor, the Attorney General, and the Commissioner of the General Land Office. The Veterans' Land Board may issue not to exceed One Hundred Million Dollars (\$100,000,000) in bonds or obligations of the State of Texas for the purpose of creating a fund to be known as the Veterans' Land Fund. Such bonds shall be executed by said Board as an obligation of the State of Texas, in such form, denominations, and upon the terms as are now prescribed by Senate Bill No. 29, Chapter 318 of the Acts of the Fifty-first Legislature (provided, that when the limitation of Twenty-five Million Dollars (\$25,000,000) is used in said Senate Bill No. 29, the same shall hereafter be construed as One Hun-

dred Million Dollars (\$100,000,000), or as said Act may be hereafter amended, or by other laws that the Legislature may hereafter enact; provided, however, that said bonds shall bear a rate of interest not to exceed three per cent (3%) per annum, and that the same shall be sold for not less than par value and accrued interest.

"In the sale of any such bonds, a preferential right of purchase shall be given to the administrators of the various teacher retirement funds, the Permanent University Funds, and the Permanent School Funds; such bonds to be issued as needed, in the opinion of the Veterans' Land Board.

"The Veterans' Land Fund shall be used by the Board for the sole purpose of purchasing lands suitable for the purpose hereinafter stated, situated in this State, (a) owned by the United States, or any governmental agency thereof; (b) owned by the Texas Prison System, or any other governmental agency of the State of Texas; or (c) owned by any person, firm, or corporation.

"All lands thus purchased shall be acquired at the lowest price obtainable, to be paid for in cash, and shall be a part of the Veterans' Land Fund.

"The lands of the Veterans' Land Fund shall be sold by the State to Texas Veterans of the present war or wars, commonly known as World War II, and to Texas veterans of service in the armed forces of the United States of America subsequent to 1945, as may be included within this program by legislative act, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now provided by law, or as may hereafter be provided by law."

"All moneys received and which have been received and which have not been used for repurchase of land as provided herein by the Veterans' Land Board from the sale of lands and for interest on deferred payments, shall be credited to the Veterans' Land Fund for use in purchasing additional lands to be sold to Texas Veterans of World War II, and to Texas Veterans of service in the armed forces of the United States of America subsequent to 1945, as may be included within this program by legislative act, in like manner as provided for the sale of lands purchased with the proceeds from the sales of

the bonds, provided for herein, for a period ending December 1, 1959; provided, however, that so much of such moneys as may be necessary during the period ending December 1, 1959, to pay principal of and interest on the bonds heretofore issued and on bonds hereafter issued by the Veterans' Land Board shall be set aside for that purpose. After December 1, 1959, all moneys received by the Veterans' Land Board from the sale of the lands and interest on deferred payments, or so much thereof as may be necessary, shall be set aside for the retirement of said bonds and to pay interest thereon, and any of such moneys not so needed shall not later than the maturity date of the last maturing bond or bonds be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law. All bonds issued hereunder shall, after approval by the Attorney General of Texas, registration by the Comptroller of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute obligations of the State under the Constitution of Texas. Of the total One Hundred Million Dollars (\$100,000,000) of bonds herein authorized, the sum of Twenty-five Million Dollars (\$25,000,000) has heretofore been issued; said bonds are hereby in all respects validated and declared to be obligations of the State of Texas. This amendment shall become effective upon its adoption."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State of Texas on the second Tuesday in November, 1951, at which election all voters favoring the proposed Amendment shall write or have printed on their ballots the following words:

"FOR the Amendment to Section 49-b, Constitution of Texas, for increasing Veterans' Land Fund for the purchase of lands in Texas to be sold to Texas Veterans of World War II, and to Texas Veterans of service in the armed forces of the United States of America subsequent to 1945."

Those opposing said proposed Amendment shall write or have printed on their ballots the following words:

"AGAINST the Amendment to Sec-

tion 49-b, Constitution of Texas, for increasing Veterans' Land Fund for the purchase of lands in Texas to be sold to Texas Veterans of World War II, and to Texas Veterans of service in the armed forces of the United States of America subsequent to 1945."

If it appears from the returns of said election that a majority of the votes cast were in favor of said Amendment, the same shall become a part of the State Constitution and be effective from the date of the determination of such result and the Governor's proclamation thereof.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election, and shall have the same published as required by the Constitution and laws of this State.

The report was read and was adopted by the following vote:

Yeas—26

| | |
|-------------------|--------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Russell |
| Hardeman | Shofner |
| Hudson | Strauss |
| Kelley of Hidalgo | Tynan |
| Kelly of Tarrant | Vick |
| Lock | Wagon seller |

Absent—Excused

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|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

Reports of Standing Committees

On motion of Senator Hardeman and by unanimous consent, the following report was submitted:

Austin, Texas,
April 9, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 451, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

On motion of Senator Bell and by unanimous consent, the following report was submitted:

Austin, Texas,
April 9, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 408, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Bill Ordered Not Printed

On motion of Senator Hardeman, and by unanimous consent, it was ordered that H. B. No. 451 be not printed.

Senate Bill 165 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 165, A bill to be entitled "An Act providing the time for filing bills of exception in a criminal case, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 165 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

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|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Russell |
| Hardeman | Shofner |
| Hudson | Strauss |
| Kelley of Hidalgo | Tynan |
| Kelly of Tarrant | Vick |
| Lock | Wagonseller |

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

| | |
|------------------|-------------|
| Aikin | McDonald |
| Ashley | Moffett |
| Bell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelly of Tarrant | Vick |
| Lock | Wagonseller |
| Martin | |

Absent

| | |
|-------------------|---------|
| Bracewell | Russell |
| Kelley of Hidalgo | |

Absent—Excused

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|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

Senate Resolution 143

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class and Civics Class of the Bastrop High School accompanied by their principal, Mr. C. D. Campbell, and their teacher, Mrs. Perkins; and

Whereas, these students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, that these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senate Bill 167 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 167, A bill to be entitled "An Act providing that in a criminal case where a written motion is filed and overruled, the motion, any reply thereto, the court's order thereon, the exception to such ruling, any evidence thereon, if any evidence was adduced, shall constitute a bill of exception on appeal and no formal bill of exception need be prepared; providing for statement of fact on any such motion; containing a savings clause; repealing conflicting laws, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 167 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 167 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Russell |
| Hardeman | Shofner |
| Hudson | Strauss |
| Kelley of Hidalgo | Tynan |
| Kelly of Tarrant | Vick |
| Lock | Wagonseller |

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

| | |
|-----------|-------------------|
| Aikin | Hudson |
| Ashley | Kelley of Hidalgo |
| Bell | Kelly of Tarrant |
| Bracewell | Lock |
| Carney | Martin |
| Carter | McDonald |
| Colson | Moffett |
| Fuller | Moore |
| Hardeman | Nokes |

| | |
|-----------|-------------|
| Parkhouse | Strauss |
| Phillips | Tynan |
| Russell | Vick |
| Shofner | Wagonseller |

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

Senate Bill 168 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 168, A bill to be entitled "An Act amending Article 755, Code of Criminal Procedure of Texas, 1925, providing the time within which motion for new trial may be filed, may be amended and may be disposed of; containing a savings clause, and declaring an emergency."

The bill was read second time.

Senator Carney offered the following amendment to the bill:

Amend S. B. 168 by striking out Sec. 2.

The amendment was adopted.

On motion of Senator Martin and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 168 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 168 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

| | |
|-----------|-------------------|
| Aikin | Kelley of Hidalgo |
| Ashley | Kelly of Tarrant |
| Bell | Lock |
| Bracewell | Martin |
| Carney | McDonald |
| Carter | Moffett |
| Colson | Nokes |
| Fuller | Parkhouse |
| Hardeman | Phillips |
| Hudson | Russell |

| | |
|---------|-------------|
| Shofner | Vick |
| Strauss | Wagonseller |
| Tynan | |

Absent

Moore

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator McDonald offered the following amendment to the bill:

Amend S. B. 168, 2nd paragraph, line four, by striking the figure 10 and inserting therefor the figure 20.

The amendment was adopted by the following vote:

Yeas—25

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

Moore

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The bill was passed by the following vote:

Yeas—24

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bracewell | Moffett |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Russell |
| Hardeman | Shofner |
| Hudson | Strauss |
| Kelley of Hidalgo | Tynan |
| Kelly of Tarrant | Vick |
| Lock | Wagonseller |

Absent

Bell

Moore

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

Senate Bill 159 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 159, A bill to be entitled "An Act amending Article 338, Code of Criminal Procedure of Texas, 1925, providing for the selection of grand jurors, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 159 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 159 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

Moore

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |

Absent

| | |
|------|-------|
| Lock | Moore |
|------|-------|

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

Senate Bill 160 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 160, A bill to be entitled "An Act amending Article 333, Revised Code of Criminal Procedure of Texas, 1925, as amended by the Acts of the Fiftieth Legislature, Chapter 83, Section 2, page 141 providing for the appointment of jury commissioners, and declaring an emergency."

The bill was read second time.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill.

The bill was passed to engrossment.

Senate Bill 160 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 160 be placed on its third reading and final passage.

Question—Shall the constitutional rule requiring bills to be read on three several days be suspended?

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations of the Governor.

Austin, Texas,
April 9, 1951.

To the Senate of the Fifty-second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the State Board of Nurse Examiners for six year terms to expire April 9, 1957:

Miss Bernice Johnson of Austin, Travis County, Miss Maurine Bridwell of San Angelo, Tom Green County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Recess

On motion of Senator Kelley of Hidalgo the Senate at 12:10 o'clock p.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p. m. today.

Senate Bill 160 on Third Reading

The Senate resumed consideration of pending business, same being the motion to place S. B. No. 160 on third reading.

Question—Shall the constitutional rule requiring bills to be read on three several days be suspended?

The rule was suspended by the following vote:

Yeas—25

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The bill was read third time and was passed by the following vote:

Yeas—23

| | |
|-------------------|-------------|
| Aikin | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Carney | Moore |
| Carter | Nokes |
| Colson | Parkhouse |
| Fuller | Phillips |
| Hardeman | Shofner |
| Hudson | Strauss |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

| | |
|---------|-------|
| Ashley | Tynan |
| Russell | |

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

Senate Bill 155 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 155, A bill to be entitled "An Act to amend Article 348, Code of Criminal Procedure of Texas, 1925, as amended by the Acts of the 43rd Legislature of Texas, Chapter 27, page 56, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 155 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 155 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

| | |
|-----------|-------------------|
| Aikin | Hardeman |
| Ashley | Hudson |
| Bell | Kelley of Hidalgo |
| Bracewell | Kelly of Tarrant |
| Carney | Lock |
| Carter | Martin |
| Colson | McDonald |
| Fuller | Moffett |

| | |
|-----------|-------------|
| Moore | Strauss |
| Nokes | Tynan |
| Parkhouse | Vick |
| Phillips | Wagonseller |
| Shofner | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lock | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

Report of Standing Committee

On motion of Senator Carter, and by unanimous consent, the following report was submitted:

Austin, Texas,
April 9, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 677, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARTER, Chairman

Senate Bill 90 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 90, A bill to be entitled "An Act amending Section 2 of Article V of Senate Bill 116, Chapter 334, Acts of the Fifty-first Legislature, Regular Session, 1949, providing a system for the transportation of public school pupils from and within their districts; providing for consideration to be given to approval of private and commercial transportation of pupils from isolated areas; providing penalties; limiting total annual transportation cost allotment for each district; defining certain terms; providing for allowable total base costs; providing for a formula for financing transportation; prescribing certain duties of the State Commissioner of Education; providing that the Commissioner shall formulate rules and regulations; providing for appeals; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 90 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Lock | Wagonseller |

Absent

Kelly of Tarrant Russell

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 80 on Second Reading

Senator Vick asked unanimous consent to suspend the regular order of business and that S. B. No. 80 be laid out for consideration at this time.

There was objection.

Senator Vick then moved to suspend the regular order of business and that S. B. No. 80 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Moffett |
| Bell | Moore |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |

Nays—5

| | |
|------------------|----------|
| Bracewell | McDonald |
| Kelly of Tarrant | Nokes |
| Martin | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 80; A bill to be entitled "An Act creating a State Board of Examiners in Watchmaking; providing for a title of the Act; providing for State control of the licensing of watchmakers; defining certain words, terms and phrases, etc.; and declaring an emergency."

The bill was read second time.

Senator Vick offered the following committee amendment to the bill:

Amend Section 10 of Senate Bill 80 so that the same shall hereafter read as follows:

"Sec. 10. The Board shall conduct examinations at such times and places as it deems best, provided, however, that the first examination shall be held within six (6) months from the effective date of this Act, and one examination shall be held during each period of six (6) months thereafter. Every applicant except as hereinafter provided shall be examined to determine his knowledge, ability and skill in the practice of watchmaking and the theory thereof. The examination shall be conducted in such a manner as to be entirely fair and impartial to all individuals and to every school or system of practice. In addition to any written examination, such examinations shall be also conducted by a practical demonstration period, provided, however, that such examination in practical watchmaking for examination shall not exceed seventy-five (75%) per cent of the entire examination. All applicants shall be known to the examiners only by numbers without names, or other method of identification on examination papers by which members of the Board may be able to identify such applicants or examinees until after the general averages of the examinees' numbers in the class have been determined and a license granted or refused, provided however, that the examination in practical watchmaking may be conducted under such rules and regulations as the Board may promulgate."

The committee amendment was adopted.

Senator Vick offered the following committee amendment to the bill:

Amend Section 11 of Senate Bill 80 so that the same shall hereafter read as follows:

"Sec. 11. If the applicant received a credit of 75 per cent or more in both of the subjects in which he shall be examined, he shall be considered as having passed the examination. If the applicant receives less than 75 per cent in one subject and receives 75 per cent or more in the remaining subject, he shall be allowed a re-examination at the examination next ensuing, on application and the payment of the prescribed fee, and he

shall be required to be re-examined only in the subject in which he received a rating less than 75 per cent. If the applicant receives less than 75 per cent in both subjects he shall be entitled to take a second examination after a period of six months has elapsed from the date of the first examination, and he shall then be re-examined in both subjects. If the applicant receives less than 75 per cent in both subjects on such second examination, he shall not be re-examined until and unless he presents proof satisfactory to the Board of additional study in the practice of watchmaking as that term is herein defined, sufficient to justify a re-examination and shall then be re-examined in both subjects upon payment of the prescribed fee, provided, however, that it is the intent of this Act that the examinations given shall be similar to the examination given in the subject taught in standard, recognized schools of watchmaking.

The application for examination shall be filed with the executive secretary of the Board at least ten days before the date set for the examination. The applicant shall be of good moral character and shall possess such general education and knowledge as the Board shall deem necessary and shall have served an apprenticeship of four years or its equivalent as determined by the Board.

If the applicant successfully passes the examination the Secretary of the Board shall register such fact and shall issue to him a license or certificate of registration as a watchmaker."

The committee amendment was adopted.

On motion of Senator Vick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment by the following vote:

Yeas—15

| | |
|-------------------|-------------|
| Ashley | Moffett |
| Bell | Parkhouse |
| Carney | Phillips |
| Colson | Shofner |
| Fuller | Strauss |
| Hardeman | Vick |
| Hudson | Wagonseller |
| Kelley of Hidalgo | |

Nays—9

| | |
|------------------|----------|
| Aikin | Martin |
| Bracewell | McDonald |
| Carter | Nokes |
| Kelly of Tarrant | Tynan |
| Lock | |

Absent

| | |
|-------|---------|
| Moore | Russell |
|-------|---------|

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

Senate Bill 80 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

| | |
|-------------------|------------------|
| Aikin | Kelly of Tarrant |
| Ashley | Lock |
| Bell | Moffett |
| Bracewell | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Shofner |
| Fuller | Strauss |
| Hardeman | Vick |
| Hudson | Wagonseller |
| Kelley of Hidalgo | |

Nays—3

| | |
|----------|-------|
| Martin | Tynan |
| McDonald | |

Absent

| | |
|-------|---------|
| Moore | Russell |
|-------|---------|

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Martin, McDonald, Nokes and Carter asked to be recorded as voting "nay" on final passage of S. B. No. 80.

Senate Bill 362 on Second Reading

On motion of Senator Wagonseller and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 362, A bill to be entitled "An Act authorizing county commissioners' courts to compensate constables and deputy constables for transportation or furnish adequate transportation within the State; providing for sworn statements covering such transportation; providing that this Act shall be severable; repealing all laws in conflict with this Act; and declaring an emergency."

The bill was read second time.

Senator Carney offered the following amendment to the bill:

Amend Senate Bill No. 362 by adding the following as Subsection "E": This Act shall not apply to counties having a population less than 30,000 people.

The amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 362 on Third Reading

Senator Wagonseller moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 362 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bracewell | Moffett |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Shofner |
| Hardeman | Strauss |
| Kelley of Hidalgo | Tynan |
| Kelly of Tarrant | Vick |
| Lock | Wagonseller |

Present—Not Voting

Hudson

Absent

| | |
|-------|---------|
| Bell | Russell |
| Moore | |

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hudson asked to be recorded as voting "nay" on final passage of S. B. No. 362.

Senate Bill 297 on Second Reading

On motion of Senator Phillips, and by unanimous consent, the regular order of business was suspended to take up S. B. No. 297 for consideration at this time on its second reading and passage to engrossment (the bill having been read second time on Monday, March 26, 1951, with an amendment by Senator Phillips pending).

Question—Shall the amendment by Senator Phillips be adopted?

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 297, as amended, Sec. 1, paragraph (4) by changing the period to a semicolon following the word "collected" at the end of the first sentence thereof and adding the following: "provided, however, that nothing in this Act shall in anywise affect those agencies or political subdivisions now receiving the full State general ad valorem tax heretofore granted or donated to them."

The amendment was adopted.

On motion of Senator Hardeman and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 297 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 297 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Lock | Wagonseller |

Absent

Kelly of Tarrant Russell

Absent—Excused

| | |
|-----------|---------|
| Bullock | Lane |
| Corbin | Weinert |
| Hazlewood | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 217 on Second Reading

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 217, A bill to be entitled "An Act amending Section 3 of Chapter 88, General Laws, Second Called Session, Forty-first Legislature, as amended by Section 1 of Chapter 3, General Laws, Second Called Session of the Forty-third Legislature, as amended by Section 1 of Chapter 51 of the General Laws, Regular Session, Forty-fourth Legislature, so as to exempt motor vehicles, trailers, and semitrailers, owned and used exclusively in the service of the United States Government, the State of Texas or any political subdivision of the State of Texas, or a county or any political subdivision thereof from the payment of license or registration fees to the State of Texas; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Kelley of Hidalgo offered the following committee amendment to the bill:

Amend Senate Bill No. 217 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 6675a-3 of Vernon's Texas Civil Statutes, being Section 3 of House Bill No. 6, Chapter 88, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended, be and the same is hereby amended so as hereafter to read as follows:

"Article 6675a-3. Application for the registration of a vehicle required to be registered hereunder shall be made on a form furnished by the department, each such application shall be signed by the owner of the vehicle, and shall give his name and address in full, and shall contain a brief description of the vehicle to be registered. Said description, in case of a new motor vehicle, shall include: The trade name of the vehicle; the year model; the style, type of body and the weight, if a passenger car, or the net carrying capacity and gross weight if a commercial motor vehicle; the motor number; the date of sale by manufacturer or dealer to the applicant. The application shall contain such other information as may be required by the department. It is expressly provided that the owner of a vehicle previously registered in any State for the preceding or current year may, in lieu of filing an application as hereinbefore directed, present the license receipt and transfer receipts, if any, issued for the registration or transfer of the vehicle for the preceding calendar year, and said receipt or receipts shall be accepted by the County Tax Collector as an application for the renewal of the registration of the vehicle, provided said receipts show that the applicant is the rightful owner thereof. Provided, however, that should an owner or a claimed owner of a motor vehicle or automobile offer to register same, but has lost or misplaced the registration receipt or transfer, then upon his furnishing satisfactory evidence to the Tax Collector by affidavit or otherwise that he is the real owner of same, then shall it become the duty of the Tax Collector to issue him license therefor. It shall be the duty of the Tax Collector to date each registration receipt issued for the vehicle the same date the application is made for registration of such vehicle. Owners of motor ve-

hicles, trailers and semitrailers, which are the property of, and used exclusively in the service of the United States Government, the State of Texas or any county, city, school district, water control and improvement district, water improvement district, or irrigation district, water power control district shall apply annually to register all such vehicles, but shall not be required to pay the registration fees herein prescribed, provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are the property of and used exclusively in the service of the United States Government, the State of Texas, or County, or City, or School District or above-named water district thereof, as the case may be. Application shall be made for the registration of a new vehicle for the unexpired portion of the year in which it is acquired before it is operated on the public highways; except that a new vehicle may be operated temporarily by a dealer under the dealer's license number or by its purchaser under a special dealer cardboard number, as provided in Chapter 211, General Special Laws of the Regular Session of the Fortieth Legislature. The year for the purpose of registration of motor vehicles shall be April 1st to March 31st (both inclusive) of the next succeeding calendar year, and may be referred to as the "Motor Vehicle Registration Year," and current year where used in the Statutes relating to payment of registration fees shall mean that Motor Vehicle Registration Year. Application for the renewal of registration of a vehicle and for each chauffeur's license for any Motor Vehicle Registration Year shall be made not later than April 1st of such year."

"Section 2. All laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

"Section 3. The importance of this Act and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted."

The committee amendment was adopted.

Senator Kelley of Hidalgo offered the following committee amendment to the bill:

Amend Senate Bill No. 217 by striking out all above the enacting clause and inserting in lieu thereof the following:

S. B. No. 217, A bill to be entitled "An Act amending Article 6675a-3 of Vernon's Texas Civil Statutes, being Section 3 of House Bill No. 6, Chapter 88, Acts of the Forty-first Legislature, Second Called Session, 1929, as amended, so as to exempt motor vehicles, trailers, and semitrailers, owned and used exclusively in the service of the United States Government, the State of Texas or any county, city, school district, water control and improvement district, water improvement district or irrigation district, or water power control district thereof from the payment of license or registration fees to the State of Texas; repealing all laws or parts of laws in conflict with the provisions of this Act; and declaring an emergency."

The committee amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 217 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 217 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

| | |
|-------------------|-------------|
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Lock | Wagonseller |

Absent

| | |
|------------------|---------|
| Aikin | Russell |
| Kelly of Tarrant | |

Absent—Excused

| | |
|-----------|---------|
| Corbin | Lane |
| Hazlewood | Weinert |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 231 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 231, A bill to be entitled "An Act to amend Article 1350, as amended, of Title 17, Chapter 3, Penal Code of the State of Texas of 1925; repealing Articles 1344, 1345 and 1346, Penal Code of the State of Texas, and all other laws or parts of laws in conflict herewith to the extent of such conflict only; providing a saving clause; providing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 231 on Third Reading

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 231 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Corbin | Lane |
| Hazlewood | Weinert |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 75 on Second Reading

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 75, A bill to be entitled "An Act making it illegal for any person, firm, corporation or group of persons to rent or let for hire any boat upon any of the lakes of this State without having such boat equipped with one life preserver for each person aboard and a minimum of two life preservers for each boat; defining the term 'life preserver'; providing a penalty for violation hereof; exempting certain waters; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 75 by striking out Section 3a of said Act as shown on the printed copy in the Senate.

The amendment was adopted.

Senator Carney offered the following amendment to the bill:

Amend H. B. No. 75 by adding the following: Nothing herein shall apply to Caddo Lake situated in Marion County.

The amendment was adopted.

On motion of Senator Moffett, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to third reading.

House Bill 75 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 75 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

| | |
|-----------|-------------------|
| Aikin | Kelley of Hidalgo |
| Ashley | Lock |
| Bell | Martin |
| Bracewell | Moffett |
| Bullock | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Shofner |
| Corbin | Strauss |
| Fuller | Tynan |
| Hardeman | Vick |
| Hudson | Wagonseller |

Nays—2

| | |
|------------------|----------|
| Kelly of Tarrant | McDonald |
|------------------|----------|

Absent

| | |
|-------|---------|
| Moore | Russell |
|-------|---------|

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 321 on Second Reading

On motion of Senator Fuller and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 321, A bill to be entitled "An Act authorizing the Commissioners' Courts to regulate the construction of roads or streets in subdivisions situated outside of the boundaries of incorporated towns or cities in counties having a population of not less than one hundred ninety thousand (190,000) nor more than one hundred ninety-seven thousand (197,000) according to the last preceding or any future Federal Census, etc.; and declaring an emergency."

The bill was read second time.

Senator Fuller offered the following amendment to the bill:

Amend Senate Bill No. 321, Section 1, lines 2 and 3, by deleting the

following words and figures: "nor more than one hundred ninety-seven thousand (197,000)."

The amendment was adopted.

Senator Fuller offered the following amendment to the bill:

Amend Senate Bill No. 321, lines 7 and 8 of the caption, by deleting the following words and figures: "nor more than one hundred ninety-seven thousand (197,000)."

The amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 321 on Third Reading

Senator Fuller moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 321 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|-------------------|------------------|
| Aikin | Kelly of Tarrant |
| Ashley | Lock |
| Bell | Martin |
| Bracewell | McDonald |
| Bullock | Moffett |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |

Absent

Moore Russell

Absent—Excused

Hazlewood Weinert
Lane

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

| | |
|-----------|----------|
| Aikin | Carter |
| Ashley | Colson |
| Bell | Corbin |
| Bracewell | Fuller |
| Bullock | Hardeman |
| Carney | Hudson |

| | |
|-------------------|-------------|
| Kelley of Hidalgo | Parkhouse |
| Kelly of Tarrant | Phillips |
| Lock | Shofner |
| Martin | Strauss |
| McDonald | Tynan |
| Moffett | Vick |
| Nokes | Wagonseller |

Absent

Moore Russell

Absent—Excused

Hazlewood Weinert
Lane

(President pro tempore in Chair.)

Senate Bill 249 on Second Reading

On motion of Senator Bell, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 249, A bill to be entitled "An Act amending Article 8225, Revised Civil Statutes of 1925, as amended by Chapter 27, Acts Forty-first Legislature, Fourth Called Session, 1930, as amended by Chapter 21, Acts Forty-second Legislature, Second Called Session, 1931, as amended by Chapter 26, Acts Forty-second Legislature, Third Called Session, 1932, providing for the purchase of certain land of the State by Navigation Districts; the issuance of patents thereon; reserving all oil, gas and other minerals and providing for the leasing and exploration thereof under certain conditions; and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following amendment to the bill:

Amend S. B. No. 249 by adding to Section 1 at the end of the last paragraph thereof the following: "Provided, however, that no leases now involved in litigation shall be validated hereby."

The amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 249 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 249 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|--------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagon seller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

| | |
|-------------------|--------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagon seller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

Senate Bill 81 on Second Reading

On motion of Senator Parkhouse, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 81, A bill to be entitled "An Act to amend Title 49, Article 2922 of the Revised Civil Statutes of 1925, as amended; providing for a savings clause and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following amendment to the bill:

Amend Senate Bill 81 by striking out all below the enacting clause, and inserting in lieu thereof the following:

ARTICLE I

Section 1. Amend Article III, Section 1, Subsection (4), Paragraph a, Senate Bill 116, Acts of the Fifty-first Legislature, to read as follows:

"a. It is the purpose of this allotment of exceptional children teacher units to provide competent educational services for the exceptional children in Texas between and including the ages of six (6) and seventeen (17), for whom the regular school facilities are inadequate or not available.

"In interpreting and carrying out the provisions of this Act, the words 'exceptional children' wherever used, will be construed to include any child of educable mind whose mental or bodily functions are so limited that he cannot be safely or adequately educated in the regular classes of the public schools, without the provision of special services. The term 'special services' may be interpreted to mean transportation; special teaching in the public school curriculum; corrective teaching, such as lip reading, speech correction, sight conservation, and corrective health habits; and the provision of special seats, books and teaching supplies, and equipment required for the instruction of exceptional children."

ARTICLE II

Section 1. Amend Article V, Section 1, Senate Bill 116, Acts of the Fifty-first Legislature, to read as follows:

"Section 1. The total current operating cost for each school district, other than professional salaries and transportation, shall be based upon the number of approved classroom teacher units and such exceptional children teacher units as are approved, separate for whites and separate for negroes, and grants therefor shall be allotted and determined in the following manner:

"a. Districts having from one (1) to seventy-four (74) such units shall be allotted the sum of Four Hundred (\$400.00) Dollars for each of said units.

"b. Districts having from seventy-five (75) to eight-four (84) such units shall be allotted the sum of Twenty-nine Thousand, Seven Hundred (\$29,700.00) Dollars.

"c. Districts having eighty-five or more such units shall be allotted the sum of Three Hundred Fifty (\$350.00) Dollars for each of said units."

ARTICLE III

General Provisions

Section 1. All laws or parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Section 2. The fact that the system of public free schools in the State of Texas is of paramount interest to every citizen of the State, the fact that a thorough study has been undertaken under authority of the Legislature, in which study the assistance of laymen and professional educators was widely resorted to, and such study indicates that certain remedial changes are required in the system for education in Texas, designing and fitting the program of education to the needs of a great and growing and modern State create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

On motion of Senator Parkhouse, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 81 on Third Reading

Senator Parkhouse moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

Senate Bill 238 on Second Reading

On motion of Senator McDonald, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 238, A bill to be entitled "An Act amending Article 2249, Revised Civil Statutes of Texas, 1925, as

amended, providing for appeal to the Court of Civil Appeals from any order of any District or County Court in civil cases granting motions for new trial, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 238 on Third Reading

Senator McDonald moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 238 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator McDonald and by unanimous consent, the caption was amended to conform to the body of the bill.

The bill was passed by the following vote:

Yeas—27

| | |
|-----------|-------------------|
| Aikin | Corbin |
| Ashley | Fuller |
| Bell | Hardeman |
| Bracewell | Hudson |
| Bullock | Kelley of Hidalgo |
| Carney | Kelly of Tarrant |
| Carter | Lock |
| Colson | Martin |

| | |
|-----------|-------------|
| McDonald | Shofner |
| Moffett | Strauss |
| Moore | Tynan |
| Nokes | Vick |
| Parkhouse | Wagonseller |
| Phillips | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

Senate Bill 244 on Second Reading

On motion of Senator Strauss, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 244, A bill to be entitled "An Act directing the Texas National Guard Armory Board to sell certain land in Harris County, Texas, to the highest bidder for cash; providing for notice of sale; providing for rejection of bids; and declaring an emergency."

The bill was read second time.

Senator Strauss offered the following committee amendment to the bill:

Amend S. B. No. 244 by adding the following at the end of Section 3: "provided that the proceeds from such sale are hereby appropriated to the Texas National Guard Armory Board to be used for the use and benefit of the Texas National Guard Armory Board."

The committee amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend S. B. 244 by striking out the word "directed" and substituting the word "authorized."

The amendment was adopted.

On motion of Senator Strauss and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 244 on Third Reading

Senator Strauss moved that the constitutional rule requiring bills to

be read on three several days be suspended and that S. B. No. 244 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 9, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on H. J. R. No. 2 by a vote of 131 ayes, 0 noes.

H. C. R. No. 55, Suspending the Joint Rules.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 74 on Second Reading

On motion of Senator Nokes and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 74, A bill to be entitled "An Act providing for the disposition of property and choses in action when there is no sufficient evidence that persons have died otherwise than simultaneously; providing this Act shall not apply to distribution of property of persons who have died before the effective date hereof; limiting the application of this Act; repealing all laws or parts of laws in conflict herewith; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Nokes offered the following committee amendment to the bill:

Amend Senate Bill No. 74 by deleting the titles of each of the sections of said bill.

The committee amendment was adopted.

Senator Nokes offered the following committee amendment to the bill:

Amend Senate Bill 74 by striking out the words "Sufficient Evidence" wherever they occur in the bill and substituting in lieu thereof the words "Direct Evidence."

The committee amendment was adopted.

On motion of Senator Nokes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 74 on Third Reading

Senator Nokes moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 130 on Second Reading

On motion of Senator Tynan, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 130, A bill to be entitled "An Act amending Article 277 of Vernon's Code of Criminal Procedure of the State of Texas, by adding a new section, to be known as Section 2, to provide for disqualifications of sureties in misdemeanor cases where they have been in default theretofore; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 130 on Third Reading

Senator Tynan moved that the constitutional rule requiring bills to be

read on three several days be suspended and that S. B. No. 130 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

Senate Bill 324 on Second Reading

On motion of Senator Kelley of Hidalgo and by unanimous consent, the regular order of business was suspended.

ed to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 324. A bill to be entitled "An Act to amend Sections 1 and 2 of Chapter 119, Acts of the Regular Session, 47th Legislature, by changing the provisions regarding the Water Control and Improvement Districts to which said Act applies, and adding a new section to be designated Section 17a, permitting the surrender of districts' bonds in certain circumstances, and declaring an emergency."

The bill was read second time.

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend Senate Bill No. 324 by striking out of Sec. 1, lines 4 and 5 of said bill, the following words and figures:

"but not more than forty thousand (40,000) acres"

The amendment was adopted.

On motion of Senator Kelley of Hidalgo and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 324 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 324 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

Senate Bill 108 on Second Reading

On motion of Senator Corbin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 108, A bill to be entitled "An Act amending Article 3888, Revised Civil Statutes, 1925, as amended, providing for the minimum and maximum salaries of Ex-officio County Superintendents of Public Instruction and their assistants; providing for office and traveling expenses for such Ex-officio County Superintendents; providing this Act shall become operative on the first day of the month immediately succeeding its effective date; and declaring an emergency."

The bill was read second time.

Senator Corbin offered the following committee amendment to the bill:

Amend Senate Bill 108 by adding after the word "Provide" in line 1, page 2, of the original bill the following:

"from county funds."

The committee amendment was adopted.

On motion of Senator Corbin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 108 on Third Reading

Senator Corbin moved that the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |

Absent

| | |
|----------|---------|
| Hardeman | Russell |
|----------|---------|

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 298 on Second Reading

On motion of Senator Carney and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 298, A bill to be entitled "An Act providing for the use, operation and management by the Game, Fish and Oyster Commission under its rules and regulations of land acquired by said Commission, including

in such management authority to make disposition of timber and other plants and crops, make tenancy or rental agreements, sell or lease certain mineral rights, including restriction to directional drilling on fish hatchery land, grant certain rights of way or easements, when such disposals, sales and leases shall not adversely affect or will be beneficial to game and fish protection, propagation or management; prescribing advertising procedures in sales or leases, disposing of proceeds thereof; authorizing acquisition and maintenance of necessary improvements on acquired lands; making this Act cumulative of other laws pertaining to Game, Fish and Oyster Commission lands; providing a saving clause and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 298 on Third Reading

Senator Carney moved that the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 298 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

| |
|---------|
| Russell |
|---------|

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

| | |
|-------------------|------------------|
| Aikin | Kelly of Tarrant |
| Ashley | Lock |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Shofner |
| Corbin | Strauss |
| Fuller | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |

Nays—2

| | |
|----------|--------|
| Hardeman | Martin |
|----------|--------|

Absent

| | |
|----------|---------|
| Phillips | Russell |
|----------|---------|

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

(Senator Carney in Chair.)

Senate Bill 197 on Second Reading

On motion of Senator Kelly of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 197, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 211, Chapter 448, page 829, Acts of the 51st Legislature, Regular Session; amending Article 3939, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 211, Chapter 448, page 829, Acts of the 51st Legislature, Regular Session, providing for the compensation of the assessor and collector of taxes in assessing and collecting State and county and other taxes and for issuing ad valorem tax certificates; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Kelly of Tarrant offered the following committee amendments to the bill which were severally adopted.

AMENDMENT NO. 1

Amend Senate Bill No. 197 by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. That Article 3937, Re-

vised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 211, Chapter 448, page 829, Acts of the Fifty-first Legislature, Regular Session, be and the same is hereby amended to read as follows: 'Each Assessor of Taxes shall receive the following compensation for his services, which shall be estimated upon the total value of the property assessed as follows: For assessing the State and county taxes on all sums for the first Five Million Dollars (\$5,000,000), or less, five cents (5c) for each One Hundred Dollars (\$100) of property assessed; and on all sums in excess of Five Million Dollars (\$5,000,000), three and one-half cents (3½c) on each One Hundred Dollars (\$100) of property assessed; on all sums in excess of One Hundred Million Dollars (\$100,000,000), two and one-quarter cents (2¼c) on each One Hundred Dollars (\$100). One-half of the above fee shall be paid by the State and one-half by the county. For assessing the taxes in all drainage districts, road districts, or other political subdivisions of the county, and water control and improvement districts, if assessed by the County Tax Assessor, the Assessor shall be paid three-fifths (3/5) of one cent (1c) for each One Hundred Dollars (\$100) of the assessed values of such districts or subdivisions; provided such compensation as is paid to the Assessor shall be prorated among the various drainage districts, road districts, or other political subdivisions of the county, and water control and improvement districts, according to the value of the property assessed in each district, or other political subdivision; and for assessing the poll tax, five cents (5c) for each poll, and which shall be paid by the State. The Commissioners' Court shall allow the Assessor of Taxes such sums of money to be paid monthly from the county treasury as may be necessary to pay for clerical work, taking assessments, and making out the tax rolls of the county (such sums so allowed to be deducted from the amount allowed to the Assessor as compensation upon the completion of said tax rolls); provided the amount allowed the Assessor by the Commissioners' Court shall not exceed the compensation that may be due by the county to him for assessing.'

AMENDMENT NO. 2

Amend Senate Bill No. 197 by striking out Section 2 and inserting in lieu thereof the following:

"Sec. 2. That Article 3939, Revised Civil Statutes of Texas, 1925, as amended by Senate Bill No. 211, Chapter 448, page 829, Acts of the Fifty-first Legislature, Regular Session, be and the same is hereby amended to read as follows: 'There shall be paid for the collection of taxes as compensation for the services of the Collector, beginning with the first day of September of each year, five per cent (5%) of the first Twenty Thousand Dollars (\$20,000) collected for the State, and two per cent (2%) on all taxes collected for the State over said sum; for collecting the county taxes, five per cent (5%) on the first Ten Thousand Dollars (\$10,000) collected, and two per cent (2%) on all such county taxes collected over said sum. For collecting the taxes in all drainage districts, road districts, or other political subdivisions of the county, and water control and improvement districts, if collected by the County Tax Collector, the Tax Collector shall be paid one-half of one per cent ($\frac{1}{2}\%$) on all such taxes collected; provided that the amount to be paid the Tax Collector shall be paid by the various drainage districts, road districts, or other political subdivisions of the county, and water control and improvement districts on a pro-rata basis in accordance with the amount collected for such districts; and in counties owing subsidies to railroads the Collector shall receive only one per cent (1%) for collecting such railroad taxes; and in cases where property is levied upon and sold for taxes he shall receive the same compensation as allowed by law to sheriffs or constables on making the levy and sale in similar cases, but in no case to include commission on such sales; and on all occupation and license taxes collected, five per cent (5%); for issuing statement of ad valorem taxes due the Collector shall not be entitled to charge any fee; and for each ad valorem tax certificate issued, to bear his seal of office, the Collector shall charge fifty cents (50c) to be paid by the applicant therefor.'"

On motion of Senator Kelly of Tarrant and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 197 on Third Reading

Senator Kelly of Tarrant moved that the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 197 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 386 on Second Reading

On motion of Senator Bullock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 386, A bill to be entitled "An Act authorizing the State Board of Education to combine subjects on recommendation of the State Textbook Committee and the State Commissioner of Education and to adopt textbooks for such combined subjects and providing the manner and method therefor; providing for the length of contracts for textbooks and for renewal and extension of contracts; repealing conflicting laws; providing invalidity of any part of Act shall not affect remaining parts; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 386 on Third Reading

Senator Bullock moved that the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 354 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 354, A bill to be entitled "An Act creating Boards for lease of lands owned by any Department, Board or Agency of the State; providing the membership of such Boards; providing the title for such Boards; providing for a record of the proceedings of such Boards; providing for the selection of a Secretary to each of such Boards; providing for the leasing of lands now owned by or lands that may hereafter be owned by, etc., and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following committee amendments to the bill which were severally adopted:

COMMITTEE AMENDMENT NO. 1

Amend S. B. 354 by striking out all below the enacting clause and substituting in lieu thereof the follows:

Section 1. There is hereby created Boards for Lease of lands owned by any Department, Board or Agency of the State of Texas, which Boards for Lease shall consist of the Commissioner of the General Land Office, who shall be chairman, the Attorney General and the particular President or Chairman of the Board or Agency, or Head of the Department charged with the responsibility of management or control of lands now owned by, or that may hereafter be owned by, or held in trust for, the use and benefit of said Department, Agency or Board. The title of each Board hereby created shall be selected by each Board for Lease at its first meeting after the effective date of this Act. Each Board for Lease shall keep a complete record of all of its proceedings. A majority of each Board for Lease shall constitute a quorum for the transaction of business by that particular Board. Each Board for Lease shall select a Secretary who shall be nominated by the Commissioner of the General Land Office and approved by a majority of the particular Board for Lease.

Section 2. All lands or any parcel of same now owned by, or that may hereafter be owned by, or held in trust for the use and benefit of, a Department, Agency or Board may be leased by the appropriate Board for Lease to any person or persons, firms, or corporations subject to and as provided for in this Act, for the purpose of prospecting or exploring for and mining, producing, storing, caring for, transporting, preserving, selling and disposing of the oil, gas or other minerals.

Section 3. Each Board for Lease is hereby authorized to cause the lands subject to its control to be surveyed or subdivided into such tracts, lots or blocks as will, in its judgment, be most conducive and convenient to facilitate the advantageous sale of oil, gas or mineral leases thereon, and to make such maps and plats as may be thought necessary to carry out the purposes of this Act. Each Board

for Lease is further authorized to obtain authentic abstracts of title to all of the lands subject to its control as it may deem necessary, and to take such steps as may be necessary to perfect a merchantable title to such lands.

Section 4. Whenever in the opinion of the appropriate Board for Lease there shall be such a demand for the purchase of oil, gas or mineral leases on any lot or tract of land subject to the control of the Board as will reasonably insure an advantageous sale, the Board for Lease shall place such oil, gas or mineral leases on the market in such tract or tracts as the Board for Lease may designate. The Board for Lease shall insert in at least four (4) daily newspapers in at least three (3) issues of each, thirty (30) days in advance of a sale date, an advertisement to the effect that leases will be offered for sale on a certain date and that lists describing the land to be leased may be obtained from the General Land Office. Bidding shall be by sealed bid, and the bids will be opened at ten o'clock a.m. on the sale date by a majority of the Board for Lease.

Section 5. A separate bid shall be made for each tract offered for lease. No bid shall be accepted which offers a royalty of less than $\frac{1}{8}$ of the gross production of oil, gas or other minerals, and no bid shall be accepted which offers a cash bonus of less than two dollars (\$2.00) per acre; this minimum bonus and royalty may be increased at the discretion of the Board for Lease. Every bid shall carry the obligation to pay an amount not less than \$1.00 per acre annual rental beginning with the second year of the lease, such amount to be fixed by the Board in advance of the advertisement. The bid shall further name the amount of cash bonus offered in addition to the royalty and rental provided for, and shall be accompanied by cash, or checks collectible in Austin, Texas, payable to the Commissioner of the General Land Office, to cover such amount. The Board may at its discretion fix the rental and royalty and provide for bidding on a basis of the highest cash bonus offered, or it may fix the cash bonus and rental and provide that the bidding shall be on a basis of the highest royalty offered. The Board for Lease shall have the right to reject any and all bids, but unless the Board elects to reject any and all bids, it

shall be required to accept the highest bid submitted.

Section 6. All awards or leases shall be issued by the Commissioner of the General Land Office in accordance with the minutes as approved by the appropriate Board for Lease. The minutes shall show the fact of acceptance of a bid or the rejection of a bid and the approval of the minutes will constitute the approval of the act of acceptance or the act of rejection, as the case may be.

Section 7. Leases issued by the Commissioner of the General Land Office shall be for a primary term not to exceed five (5) years and as long thereafter as oil, gas or other minerals covered by such lease is produced therefrom in paying quantities, provided that all leases for minerals, except oil and gas, shall be granted on separate leases and for separate considerations.

Section 8. Operations for drilling or mining oil, gas or other minerals and the production of same under any lease issued under the authority given in this Act shall be subject to all laws of the State of Texas and valid orders made by the Railroad Commission of Texas, or other regulatory authority controlling the development of leases for the production of oil, gas or other minerals, and such other regulations as the appropriate Board for Lease, at its discretion, may adopt.

Section 9. Beginning with the second year of the lease and annually thereafter for each of the following years during the life of said lease, the lessee shall pay the annual rental specified by the Board for Lease unless oil, gas or other minerals are being produced in paying quantities. When royalties paid during any year during the life of the lease equal or exceed the annual rental, no annual rental will be due for the following year; otherwise, there shall be due and payable on or before the anniversary date of said lease the annual rental specified by the Board for Lease less the amount of royalties paid during the preceding year. All rental and royalty payments shall be paid to the Commissioner of the General Land Office at Austin, Texas, and royalty payments shall be paid on or before the twentieth (20th) day of the month following the month in which the oil, gas or other minerals may be produced. The payments shall be accompanied by sworn statements of the lessee, manager, or other au-

thorized agent showing the gross amount of production since the last report and the market value of same, together with copies of all daily gauges of tanks, gas meter readings, pipe line run tickets and receipts and other checks or memoranda of the amounts produced. The books, accounts, records, and contracts pertaining to production, transportation, sale and marketing of the oil, gas or other minerals shall at all times be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General and the Chairman, President or other member of the appropriate Board for Lease or the representative of either of them. The State shall have a first lien upon all oil, gas or other minerals produced from the area covered by the lease to secure the payment of all unpaid royalty and/or other sums of money that may become due under the lease.

Section 10. The lessee shall reasonably develop the lease by drilling or mining to such extent as the facts may justify. The lessee shall adequately protect the oil, gas or other minerals under the land covered by the lease from drainage from adjacent lands or leases. Neither the bonus, rentals nor royalties, paid or to be paid under said lease, shall relieve the lessee from such obligations. If oil and/or gas should be produced in paying quantities from a well on land privately owned, which well is within one thousand feet of the area covered by the lease, or in any case where the land covered by the lease is being drained, the lessee shall, within sixty (60) days after such initial production on private land begin in good faith and prosecute diligently the drilling of an offset well on the area covered by his lease. Such offset well shall be drilled to such depth as may be necessary to prevent the undue drainage of the area covered by the lease and the lessee, manager, or driller shall use all means reasonably necessary in a good faith effort to make such offset well produce in paying quantities.

Section 11. All rights purchased may be assigned. All assignments must be recorded in the county or counties where the area is located and the recorded assignment or a certified copy of same shall be filed in the General Land Office within one hundred (100) days from the date of the first acknowledgment thereof, accompanied by

ten cents (10c) per acre for each acre assigned and a filing fee of one dollar (\$1.00), and if not so filed and payment made, the assignment shall not be effective. All rights to any whole tract or to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties where the area is located and filing the recorded relinquishment or certified copy of same in the General Land Office, accompanied by a filing fee of \$1.00. Such relinquishment shall not have the effect of releasing the lessee from any obligation or liability theretofore accrued in favor of the State.

Section 12. If the owner of the rights acquired under this Act shall fail or refuse to make the payment of any sum due, either as rental on the lease or for royalty on production, within thirty (30) days after it shall become due, or if such owner or his authorized agent should knowingly make any false return or false report concerning production, royalty, or drilling, or if such owner should fail or refuse to drill any offset well or wells in good faith, as required by his lease and the rules and regulations adopted by the appropriate Board for Lease, or if such owner or his agent should refuse the proper authority access to the records and other data pertaining to operations under his lease or if such owner or his authorized agent should knowingly fail to furnish the log of any well within thirty (30) days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the Commissioner of the General Land Office, and when forfeited the area shall again be subject to lease to the highest bidder, under the same regulations controlling the original sale of leases. Forfeitures may be set aside and the lease and all rights thereunder reinstated at any time before the rights of a third party intervene upon satisfactory evidence to the Commissioner of the General Land Office of future compliance with the provisions of this Act and the rules and regulations that may be adopted relative hereto.

Section 13. The appropriate Board for Lease is hereby authorized to issue permits for geological, geophysical and other surveys and investigations on lands subject to lease by the Board for Lease, which are not then

subject to valid and subsisting leases, for such consideration and under such terms and conditions as said Board for Lease may deem to the best interest of the State of Texas, and which will encourage the development of said lands for oils, gas or other minerals.

Section 14. All surveys, files, records, abstracts of title, copies of sale and lease contracts and all other records pertaining to the sale and leases hereby authorized shall be filed in the General Land Office and shall constitute archives thereof.

Section 15. All laws and parts of laws in conflict herewith are hereby expressly repealed; provided, however, that the provisions of this Act shall not be construed to apply to those lands dedicated by the Constitution and laws of the State to the Public Free School Fund or the University of Texas, nor shall the provisions of this Act apply to land subject to lease under the provisions of Subdivision 3, Chapter 4, Title 86, of the Revised Statutes of the State of Texas, 1925, and amendments thereto commonly known as the "Relinquishment Act"; provided further that should title to any lands subject to the provisions of the Relinquishment Act be acquired by any Department, Board or Agency of the State such lands shall not be subject to lease by any Board herein created, but shall be leased in the same manner as is now or may hereafter be provided for the leasing of unsold Public Free School Lands.

Section 16. Any amounts received under and by virtue of this Act shall be deposited in the State Treasury to the credit of special funds to be known as the "(appropriate Department, Board or Agency) Special Mineral Fund," which funds are hereby created, and shall be used exclusively for the benefit of the appropriate Department, Board or Agency; provided, however, no money shall ever be expended from these funds except by legislative appropriation and then for the purposes and in the amounts stated in the Act appropriating same.

Section 17. The expenses of executing the provisions of this Act shall be paid by warrants drawn by the Comptroller of the State on the State Treasurer, and for that purpose for the sum of Ten Thousand Dollars (\$10,000.00) or so much thereof as may be necessary is hereby appropriated for the biennium ending Au-

gust 31, 1953, out of any monies in the State Treasury not otherwise appropriated, after which time expenses of executing the provisions of this Act shall be paid by warrants drawn by the Comptroller of the State on the State Treasurer against the income from the Special Funds accumulated from leases, rentals, royalties, and other payments.

Section 18. If any section, subdivision, paragraph, sentence, or clause of this Act be held to be unconstitutional, the remaining portions of this Act shall nevertheless be held valid and binding.

Section 19. The fact that the General Land Office has a large list of prospective bidders on oil and gas leases, and the General Land Office is generally known throughout the oil and gas industry as the leasing agency for the State and that confusion exists in the oil and gas industry because of the large number of Boards for Lease in existence, all of which makes it desirable that the leasing of lands owned or controlled by the various Departments, Agencies and Boards be done under a uniform law and administered by one agency, and the further fact that the calendar in both Houses is crowded create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 2

Amend Senate Bill 354 by striking out all above the enacting clause and substituting in lieu thereof the following:

A BILL TO BE ENTITLED

"An Act creating Boards for lease of lands owned by any Department, Board or Agency of the State; providing the membership of such Boards; providing for selection of title for such Boards; providing for a record of the proceedings of such Boards; providing for the selection of a Secretary to each of such Boards; providing for the leasing of lands now owned by or lands that may hereafter be owned by, or held in trust for the use and benefit of State Departments, Agencies or Boards; providing for surveying or subdividing such

lands and the mapping, platting and obtaining abstracts of title thereof; providing the method of advertisement of lease sales and method of bidding and time of opening of bids; providing for the minimum bonus, royalty and rental payments in such bids and the method the Boards may use for offering their lands for lease and the acceptance or rejection of bids; providing for the issuance of leases by the Commissioner of the General Land Office and the showing of the acceptance or rejection of bids by the minutes of the appropriate Board; providing for the primary and extended term of leases; providing that operations under such leases shall be subject to all laws of the State of Texas and valid orders made by the Railroad Commission or other regulatory authority and such other regulations as the appropriate Board may adopt; providing for rental and royalty payments and the necessary reports by the lessee; providing for a first lien to secure payment of money due under a lease; providing for development of leases and the drilling of offset wells to prevent drainage; providing for assignment and relinquishment of leases; providing for forfeiture of leases by the Commissioner of the General Land Office and the re-instatement thereof; providing for the issuance of permits for geological and geophysical and other surveys and investigations; providing for the filing of all records in the General Land Office; repealing all laws and parts of laws in conflict herewith and excepting certain lands from the provisions of this Act; providing for the creating of 'Special Mineral Funds' and the manner in which they are to be administered; making an appropriation to defray the expenses of executing the provisions of this Act; providing a savings and severability clause; and declaring an emergency."

Senator Hardeman offered the following amendment to the bill:

Amend Committee Amendment No. 1, S. B. No. 354, Sec. 16, by adding at the end thereof the following:

"Provided, however, that all monies received under the provisions of this Act enuring to the benefit of the Game, Fish and Oyster Commission shall be deposited in the State Treasury to the credit of the 'Special Game and Fish Fund.'"

CARNEY
HARDEMAN

The amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 354 on Third Reading

Senator Hardeman moved that the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 354 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 296 on Second Reading

On motion of Senator Bracewell, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 296, A bill to be entitled "An Act amending Paragraph 3, Article 4725 of Vernon's Texas Civil Statutes, as amended, so as to authorize life insurance companies organized under the laws of this State to invest in the bonds or notes of any educational or religious corporation where provision has been made for the payment of a sufficient amount of the first weekly or monthly revenues thereof to an interest and sinking

fund account in a bank or trust company as an independent paying agent, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 296 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 296 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—Excused

| | |
|-----------|---------|
| Hazlewood | Weinert |
| Lane | |

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Resolution 144

Senator Lock offered the following resolution:

Whereas, Senators Hazlewood, Corbin and Bullock have been appointed by the Governor to represent the State of Texas at the Regional Conference now being held in the State of Oklahoma; now, therefore, be it

Resolved, By the Senate of Texas, that the expenses incurred by said delegates be paid from the Contingent Fund.

The resolution was read and was adopted.

Senate Bill 241 on Second Reading

On motion of Senator Ashley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 241, A bill to be entitled "An Act amending Article 1398 of Chapter 5, Title 17, of the Penal Code of the State of Texas, 1925, relating to the crime of burglary so as to provide that any person who shall commit burglary by use of any acetylene torch or electric arc or nitroglycerin, dynamite, gunpowder or other high explosive shall be confined in the State penitentiary for any term of years not less than twelve (12); and declaring an emergency."

The bill was read second time.

Senator Ashley offered the following committee amendment to the bill:

Amend S. B. No. 241 by striking out the words and figures "twelve (12)" at the end of Section 1 and substituting therefor the words and figures "five (5)."

The committee amendment was adopted.

The bill, as amended, was passed to engrossment.

Senate Bill 241 on Third Reading

Senator Ashley moved that the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 241 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Absent

Russell

Absent—ExcusedHazlewood
Lane

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 193 on Second Reading

On motion of Senator Carter and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 193, A bill to be entitled "An Act to amend Article 7332, Chapter 10, Title 22, of the Revised Civil Statutes of Texas, 1925, as amended by the Act of the Forty-first Legislature passed at its Regular Session, and found in the published laws of said Session, Chapter 143, pages 307-8, and as amended by the Acts of the Fourth Called Session of the Forty-first Legislature, as the same appears in the published laws of said Session, Chapter 20, page 37, and as amended by the Forty-second Legislature at its Regular Session as same appears in the published laws of said Session, Chapter 258, page 428, and as amended by the Forty-second Legislature, Second Called Session, as the same appears in the published laws of said Session, Chapter 16, page 31: providing for the filing of suits to collect delinquent taxes, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 193 on Third Reading

Senator Carter moved that the Constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 193 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27Aikin
Ashley
BellBracewell
Bullock
Carney

| | |
|-------------------|-------------|
| Carter | Moffett |
| Colson | Moore |
| Corbin | Nokes |
| Fuller | Parkhouse |
| Hardeman | Phillips |
| Hudson | Shofner |
| Kelley of Hidalgo | Strauss |
| Kelly of Tarrant | Tynan |
| Lock | Vick |
| Martin | Wagonseller |
| McDonald | |

Absent

Russell

Absent—ExcusedHazlewood
Lane

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Local and Uncontested Bills Calendar

Senator Martin asked unanimous consent of the Senate to hold a session for the consideration of Local and Uncontested Bills on Thursday, April 12, 1951, at 9:00 o'clock a.m.

There was no objection offered.

Motion To Introduce Bill

Senator Nokes moved to suspend Senate Rule 114 and Section 5 of Article III of the State Constitution in order that he might introduce a bill at this time, the provisions of which he explained.

The motion was lost by the following vote (not receiving four-fifths vote of the members of the Senate):

Yeas—19

| | |
|-------------------|------------------|
| Aikin | Kelly of Tarrant |
| Bracewell | Lock |
| Bullock | Martin |
| Carney | McDonald |
| Carter | Moffett |
| Colson | Nokes |
| Corbin | Parkhouse |
| Fuller | Tynan |
| Hardeman | Wagonseller |
| Kelley of Hidalgo | |

Nays—4

| | |
|---------|---------|
| Hudson | Strauss |
| Shofner | Vick |

| Absent | |
|----------------|----------|
| Ashley | Phillips |
| Bell | Russell |
| Moore | |
| Absent—Excused | |
| Hazlewood | Weinert |
| Lane | |

(President in Chair.)

Adjournment

On motion of Senator Hardeman, the Senate at 5:00 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of

F. A. Schmidt

Senator Strauss offered the following resolution:

(Senate Resolution 142)

Whereas, on March 25, 1951, Almighty God in His Infinite Wisdom saw fit to call to his Eternal Reward Mr. F. A. Schmidt of High Hill, Fayette County, Texas; and

Whereas, Mr. Schmidt was born at High Hill and had attained the age of 74 years at the time of his death and had spent all of his life on a farm in Fayette County, Texas; and

Whereas, He was an outstanding, faithful and loyal citizen and a true American in every respect and a faithful and loyal member of his Church, always a prominent leader in the civic affairs of his community, and

Whereas, His passing is mourned by his many relatives and friends, including his widow, Mrs. Sofia Schmidt, five daughters, Mrs. Henry Ripper, Mrs. Hugo Hollas, Mrs. Alvin Winkler, Misses Amelia and Annie Schmidt, four sons, Frank, Alfons, Leo and the Rev. Robert Schmidt, State Chaplain of the Knights of Columbus of Texas, and a foster-sister, Mrs. Rudolph Michalek; and

Whereas, Because of the death of F. A. Schmidt, Fayette County and the State of Texas have lost a fine citizen and civic and religious leader and it is the desire of the Senate of Texas to pay tribute to his memory; now, therefore, be it

Resolved, By the Senate of Texas, that we extend our sincere sympathy to the family of F. A. Schmidt upon their great loss, that each member of the family be furnished with a copy of this resolution, that a copy be printed in the Journal and that when the Senate adjourns today it do so in memory of F. A. Schmidt.

STRAUSS

The resolution was read and was adopted by a rising vote.